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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,627	05/25/2000	Andrew J. Prokop	NORT-0052-US (12054DMUS01)	6109
7590	07/13/2005		EXAMINER	
			QURESHI, AFSAR M	
			ART UNIT	PAPER NUMBER
			2667	

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DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,627

Applicant(s)

PROKOP ET AL.

Examiner

Afsar M. Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-17,19,21,22 and 24-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-17,19,21,22 and 24-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/27/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Applicant is advised that the Notice of Allowance, mailed on 6/9/2005, is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.
2. The indicated allowability of claims 1, 3-7, 9-17, 19, 21, 22, 24-39 is withdrawn in view of the newly discovered reference(s) to Tran et al. (US 6,154,646). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 12, 13, 15, 17, 19, 21, 22, 25, 29, 30, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Tran et al. ("Tran"), US 6,154,646.

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Claims 1, 3, 15, 17, 19, 25, 29, 30 and 31

Tran discloses apparatus and methods

for use in a user system for interactively selecting **call treatment** from call treatment options for an incoming call, method steps including:

Receiving, in the user system (see figure 1 and 2) an incoming call (*control message*) that invokes an application for a browser;

Receiving predetermine criteria (see figure 2, elements 33, 34) entered by a user through a user interface (see figure 1, elements 13, 14);

Comparing information (see figure 2, *user selection*) from the MS display along with call treatment options per installed browser interface (HTML browser like interface 13, figure 1); and

Loading a web page in the user system based on call information performing various services utilizing HDML protocol (see figure 1, elements 19, 21) (*protocol aware module*).

(see col. 2, lines 51-65, col. 13, lines 41 through col. 4, lines 1-21).

Claim 4. As discussed in the rejection of claim 1 above, Tran discloses establishing a call session based on selected real-time call treatment instructions and sends R-DATA messages to the MSC/BS 15 (see col. 3, lines 47-50, col. 4, lines 4-9) to establish a call session according to HDML protocol.

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claims 12 and 13. Tran discloses that CATS HLPI includes identifiers for call treatment in the R-DATA message and includes (inherently) the identifiers of a caller and callee (col. 4, lines 1-8).

Claims 21 and 22. Tran discloses that real-time call-treatment instructions (software routine) corresponding to the web browser are provided (see col. 1, lines 66 through col. 2, lines 1 and col. 3, lines 35-40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 9-11, 16, 24, 26-28, 32, 33, 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran in view of Sollee et al. ("Sollee"), US 6,614,899.

Claims 5-7, 9-11, 16, 24, 26, 27, 28. As discussed in the rejection of claim 1 above, Tran discloses establishing a call session based on selected real-time call treatment instructions. However, Tran does not explicitly disclose real-time audio based and text-based interactive communication according to SIP.

Sollee discloses method for use in an SIP clients system by establishing call sessions according to session initiation protocol (SIP) (*claims 7, 24, 28*) wherein call control tasks 160 (fig. 3) generates control signaling according to predetermined protocol for establishing RTP layer 158 (*claims 5, 6, 26, 27*) and a control unit 170 executing various software routines from user interface in the call system 100 (see col. 6, lines 47-67 and col. 7, lines 1-9, also see figure 3) (*claims 9, 10, 21, 22*). The network elements 14, 18, 22 and 34 (fig.1), disclosed by Sollee, receive control message and, functionally, considered as protocol aware modules wherein SIP server functions (comparing the information and performing call request) are separate (claim 11). As to claim 16, Sollee discloses a version of SIP in RFC 2543 that is used to initiate call sessions as well as *invite request* for members to session (col. 4, lines 66 through col. 5, lines 1-18).

Therefore it would be obvious to one having skill in the art, at the time of invention, to modify Tran by utilizing SIP call session as described in RFC 2543 to initiate call sessions to invite members by other mechanism including real time transport protocol for transporting real time data, as desired by Tran ( col. 1, lines 32-38).

Claims 32, 33, 35, 36, and 38.

A URL is a string expression representing address on the World-Wide Web. Tran discloses a CATA handler<sup>14</sup> that packages the user selected call-treatment options in a pop-up browser menu on the MS display. Tran fails to disclose a URL as claimed herein. However, Sollee discloses a directory list 205 (figure 5). The directory list 206 provides the names of potential callees as well as

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associated addresses. The user selects one of several methods of contacting the desired callee from the pop-up menu 210 for a call session. It would have been obvious to one of skill, at the time of invention, to be able to modify MS 10 interface, of Tran, via its pop-up browser menu, adapted to receive URL (directory) and causing to load a desired web page.

5. Claims 14, 34, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran applied to claim 1 above, in view of Nishi (US 6,681,395).

Tran does not expressly disclose some of user-defined rules as claimed herein. However, these rules are well known to one skilled in the art as disclosed by Nishi in col. 6, lines 50 through col. 7, lines 1-67, figures 10 and 10 A.

Therefore, it would have been obvious to a skilled artisan, at the time of this invention, to be able to create a template consisting of time, date, message subject, message priority and message direction in the call treatment menu of Tran in order to improve selection of desired program guides displaying programs stored in the terminal.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 3-7, 9-17, 19, 21, 22, and 24-39 have been considered but are moot in view of the new ground(s) of rejection.


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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sollee et al. (US 6,614,899); Khouri et al. (US 6,678,718); Nance et al. (US 6,496,500); Adams et al. (6,631,186); Swartz (US 6,785,266); Brewster et al. (US 6359,538); Beyschlag et al. (US 6,831,915).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**AFSAR QURESHI**  
**PRIMARY EXAMINER**

July 9, 2005



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